

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BLUE BELL INN, INC.)	
601 Skippack Pike)	
Blue Bell, PA 19422,)	
Plaintiff,)	02cv4068 JF
)	
v.)	
)	
ANDREW KAMARATOS and)	
AGGI, L.P., d/b/a BLUE BELL DINER,)	
1324 Skippack Pike)	
Blue Bell, PA 19422,)	
Defendants.)	

ORDER

This matter having come on to be heard upon Plaintiff's motion for a preliminary injunction, and this Court having considered the arguments of counsel and the exhibits and declarations,

IT IS HEREBY ORDERED AND ADJUDGED that:

- a. Defendants have infringed upon Plaintiff's registered trademarks;
- b. Defendants' infringement of said trademarks has been willful and deliberate;
- c. Defendants, their officers, agents, employees, privies, successors and assigns, and all persons and entities holding by, through or under them, and those acting for or in concert with them or in their behalf, are hereby preliminarily enjoined from further infringement; and restrained from:
 - i. Using Plaintiff's service marks, BLUE BELL INN and the blue bell and ribbon design, BLUE BELL CAFÉ, or any reproduction, counterfeit, copy or colorable imitation thereof, such as the "BLUE BELL DINER" and the blue bell and ribbon design and the designation "BLUE BELL DINER RESTAURANT" used by the Defendants, as a trademark or service mark, in any way, such as part of a domain name, or in any other way in connection with the services of defendants;
 - ii. Competing unfairly with Plaintiff in any way in the rendition of restaurant services through the use of the Plaintiff's marks, or any colorable imitations thereof;
 - iii. Causing likelihood of confusion with products or services originating from Plaintiff by using Plaintiff's marks, or any colorable imitations thereof;
 - iv. Defendants be required to deliver up for destruction to plaintiff's counsel Frank J. Benasutti, Esquire at his offices, 551 N.W. 77th Street, suite 111, Boca Raton, FL 33487

all articles, promotional and advertising material of any kind bearing the aforesaid trademarks or any colorable imitations thereof.

e. Plaintiff be granted its reasonable attorneys' fees and costs of bring this motion.

Upon entry of this Order, Plaintiff shall be required to post bond within 10 days in the amount of \$5,000.00 pendente lite.

JOHN P. FULLAM
U. S. District Judge